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TECHNOLOGY CENTER 2800
SEP-2 2001
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AJONES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/546,101

Filed: April 10, 2000

Inventors:

Carney, et al.

Title: CARD RETENTION
MECHANISM

§ Examiner: T. Dinh

§ Group/Art Unit: 2841

§ Atty. Dkt. No: 5181-37301/EBM

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

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9/24/01
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AMENDMENT; RESPONSE TO OFFICE ACTION MAILED JUNE 22, 2001

Commissioner for Patents
Washington, D.C. 20231

Amendment

Sir:

Please amend the above-captioned application as follows:

In The Claims:

Please cancel claims 5-6 without prejudice.

Below is a clean copy of amended claim 4 and new claims 22-23. A marked-up copy of the amended claim is attached at the end of the response.

4. (amended) The card retention system of claim 3, wherein a color of the retainer is different than a color of the carrier, and wherein the color of the grips are different than the color of the retainer.

22. (new) A card retention system for a computer system, comprising:

a card having an endplate;

a carrier configured to mount within the computer system, the carrier comprising a stop;

a retainer rotatably positionable in the carrier, wherein the stop of the carrier is configured to hold the retainer in an open position; and

a lock mechanism configured to inhibit rotation of the retainer to the open position when the retainer is in a closed position;

wherein at least one surface of the retainer couples to the endplate of the card when the retainer is in the closed position to inhibit movement of the card.

23. The card retention system of claim 22, wherein friction couples the retainer to the stop during use.

Response to Office Action Mailed June 22, 2001

A. Pending Claims

Claims 1-21 are pending in the case. Claim 4 has been amended. Claims 5-6 have been cancelled without prejudice. Claims 22-23 are new.

B. Claim Objections

The Examiner objected to claim 1 without providing a justification for the required change. The Examiner stated: "Claim 1 is objected to because of the following: Claim 1, line 1, change "retention system" to – retention mechanism--. Appropriate correction is required."

Applicant respectfully disagrees that there is an informality with claim 1. Claim 1 is clearly directed to a card retention system, not a card retention mechanism. The card retention system comprises "a card ...; a carrier ...; a retainer ...; and a lock mechanism ..." as detailed in the claim.

C. The Claims Are Not Indefinite Pursuant To 35 U.S.C. § 112

The Examiner rejected claims 4 and 6 under 35 U.S.C § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claim 4 as being unclear. Claim 4 has been amended for clarity. Applicant requests removal of the indefiniteness rejection of claim 4.

The Examiner rejected claim 6 as being unclear. Claim 6 has been cancelled, and resubmitted as claim 23. Claim 23 recites, in part, "wherein friction couples the retainer to the stop during use." Applicant submits this feature is clearly explained in the specification at page 10, lines 1-6. These lines state:

The retainer 20 may be secured in an open position by forming a friction fit between the body 46 and the rotation stops 62 on the carrier 22. Outer surfaces of the rotation stops 62 may be separated by a distance that is slightly greater than the distance between the inner channel surfaces 70 of

the body 46. When the retainer 20 is an open position, the retainer may be rotated until the inner channel surfaces 70 engage the rotation stops 62. The engagement may form a friction fit between the retainer 20 and the carrier 22 that holds the retainer in the open position.

Applicant submits that claim 6 was not indefinite, and that claim 23 is not indefinite.

D. The Claims Are Not Anticipated By The Cited Art Pursuant To 35 U.S.C. § 102(e)

The Examiner rejected claims 1-4, and 7-16 under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,215,668 to Hass et al. (hereinafter “Hass et al.”). The standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531,226 U.S.P.Q. 619,621 (Fed. Cir. 1985). Applicant disagrees with the anticipation rejections of the claims

In rejecting many of the claims, the Examiner apparently contends that Hass et al. teaches or suggests the use of a lock mechanism. The Examiner stated: “A lock mechanism (610; 612) is configured to inhibit rotation of the retainer to an open position (602) when the retainer is in a closed position (604).” Applicant believes that the Examiner is implying that the lock mechanism is rotation stops 810, 812 (not 610; 612 as described in the above quote). If this is the case, Applicant respectfully disagrees that the rotation stops 810, 812 of Hass et al. are a lock mechanism. The Hass et al. patent defines the purpose of the rotation stops as follows: “Thus, rotation stops 810 and 812 provide for ease of use in that they ensure that flexible loop 606 is virtually always held a distance away from wall 814 of expansion card chassis 102 such that a human user can easily manipulate and rotate flexible loop 606.”

Claim 1 describes a combination of features including: “a lock mechanism configured to

inhibit rotation of the retainer to an open position when the retainer is in a closed position". At least this feature, in combination with the other features of the claims, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 1 and the claims dependent thereon.

Claim 2 recites, in part "wherein the lock mechanism comprises an engagement surface on the carrier and a protrusion extending from the retainer, wherein the protrusion interacts with the engagement surface to inhibit rotation of the retainer to the open position." At least this feature, in combination with the other features of the claim, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 2.

Claim 3 recites, in part "wherein the retainer further comprises a grip configured to facilitate retraction of the protrusion to allow the retainer to be rotated to the open position." At least this feature, in combination with the other features of the claim, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 3.

Claim 9 recites, in part "wherein the card electrically couples to a circuit board of the computer system, and wherein the retainer inhibits the card from being electrically uncoupled from the circuit board when the retainer is in the closed position." At least this feature, in combination with the other features of the claim, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 9.

Claim 12 describes a combination of features including: "wherein a portion of the retainer contacts the rotation inhibitor when the retainer is in the closed position to inhibit rotation of the retainer to an open position." At least this feature, in combination with the other features of the claim, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 12.

Claim 13 recites, in part “further comprising a second rotation inhibitor configured to hold the retainer in an open position during use.” At least this feature, in combination with the other features of the claim, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the anticipation rejection of claim 13.

E. The Claims Are Not Obvious Over The Cited Art Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 4, 10, 14, and 16-21 under 35 U.S.C. §103(a) as being unpatentable over Hass et al. Applicant respectfully disagrees with these rejections. To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03. Applicant disagrees that the claims are obvious in light of the cited art.

Claims 17-21 each describe a combination of features including: “inhibiting rotation of the retainer with a portion of the mount to keep the retainer in a closed position.” At least this feature, in combination with the other features of the claims, does not appear to be taught or suggested by Hass et al. Applicant requests removal of the obviousness rejections of claims 17-21.

F. Objected to Claims

The Examiner objected to claims 5 and 6 as being dependent upon a rejected base claim. The Examiners stated that the claims would be allowable if rewritten in independent form, and if the 112, second paragraph rejection is cleared up. Claim 5 has been rewritten in independent

form as claim 22. Claim 6 has been cancelled and resubmitted as claim 23. As discussed above, Applicant believes that claim 23 is not indefinite under 35 U.S.C. §112, second paragraph.

G. Summary

Applicant submits that the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

A fee authorization form for consideration of one independent claim is enclosed. It is believed that no other fees are due in association with the filing of this response. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 501505/5181-37301/EBM.

Respectfully submitted,



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Date: 9/24/01



RECEIVED PATENT

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TECHNOLOGY CENTER 2800

Application No.: 09/546,101

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Inventor(s):

Carney, et al.

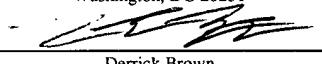
§ Examiner: T. Dinh
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§ Atty. Dkt. No: 5181-37301

Title: CARD RETENTION
MECHANISM

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§ UNDER 37 C.F.R. §1.8

§ DATE OF DEPOSIT: September 24, 2001

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§ Derrick Brown

FEE AUTHORIZATION

Commissioner for Patents
Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fees to Conley, Rose & Tayon, P.C. Deposit Account Number 50-1505/5181-37301:

\$80.00 - Surcharge excess 1 independent claim fees

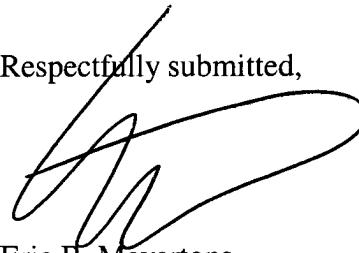
Total Amount: \$80.00

Attorney Docket No.: 5181-37301

Carney, et al.
09/546,101

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number. If the above mentioned account is found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose & Tayon, P.C. Deposit Account Number 50-1623/5181-37301.

Respectfully submitted,



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